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Attorneys for ALCO IRON & METAL CO.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PICK-N-PULL AUTO DISMANTLERS, a
California general partnership,

Plaintiff,

v.

ALCO IRON & METAL CO., a California
corporation; CESAR ZAMORA, an
individual; RICARDO ZAMORA, an
individual; EMILIO ZAMORA, an individual;
and DOES 1-25,

Defendants.

Case No. 3:14-CV-03275 VC

**STIPULATION AND ~~PROPOSED~~
ORDER ENLARGING TIME FOR
DISCOVERY CONFERENCE AND
INITIAL DISCLOSURES, INITIAL CASE
MANAGEMENT CONFERENCE
PURSUANT TO LOCAL RULE 6-2, AND
BRIEFING SCHEDULE FOR MOTIONS
TO DISMISS THE COMPLAINT**

Judge: Hon. Vince Chhabria
Trial Date: None Set

WHEREAS Plaintiff Pick-N-Pull Auto Dismantlers ("Plaintiff") and Defendants Alco Iron & Metal Co., Cesar Zamora, Ricardo Zamora, and Emilio Zamora (together, "Defendants," and collectively with Plaintiff, the "Parties") have stipulated to three prior extensions of time, whereby each of the following deadlines was extended: (1) Defendants' time to answer or otherwise respond to the Complaint [Dkt. 14]; (2) the deadlines for the Federal Rule of Civil Procedure 26 discovery conference and initial disclosures, and the initial case management conference (the "Rule 26 Deadlines") [Dkt. 27]; and (3) the briefing schedule for Defendants' pending Motions to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) ("Motions to Dismiss") [Dkt. 29];

WHEREAS the Parties participated in a mediation on October 7, 2014;

WHEREAS the Parties have reached a negotiated resolution of this dispute;

WHEREAS the Parties are in the process of documenting that resolution;

WHEREAS the Parties contemplate that this case will be dismissed shortly after the execution of a final settlement agreement;

WHEREAS, in light of the anticipated dismissal of this case, Plaintiff and Defendants desire to extend the Rule 26 Deadlines and the briefing schedule for the Motions to Dismiss;

IT IS HEREBY STIPULATED and agreed to, by and among the undersigned, on behalf of their respective clients, to enlarge the time regarding the Rule 26 Deadlines and the briefing schedule for the Motions to Dismiss such that each deadline and event will be extended by six weeks.

The stipulated dates are as follows:

December 2, 2014

Last Day to:

- (1) Meet and confer re: initial disclosures, early settlement, ADS process selection, and discovery plan;
- (2) File ADR Certification signed by Parties and Counsel
- (3) File either Stipulation to ADR Process or Notice Need for ADR Phone Conference

December 8, 2014

Last day to file response brief to the Motions to Dismiss.

December 18, 2014

Last day to file reply briefs in support of the Motions to Dismiss.

December 23, 2014

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Court's standing order re: Contents of Joint Case Management Statement

December 30, 2014

Initial Case Management Conference in Courtroom 4, 17th Floor at 10:00 a.m.

January 8, 2014

Hearing on Motions to Dismiss. Note that this date has been extended by seven weeks, as a six week extension would cause the hearing to be scheduled for January 1, 2015.]

IT IS SO STIPULATED AND AGREED.

DATED: October 15, 2014

COBLENTZ PATCH DUFFY & BASS LLP

By: /s/Charmaine G. Yu

Charmaine G. Yu

Attorneys for Attorneys for ALCO IRON & METAL CO.

DATED: October 15, 2014

BERLINER COHEN

By: /s/Sara Pollock

Sara Pollock

Attorneys for PICK-N-PULL AUTO DISMANTLERS

DATED: October 15, 2014

THE LAW OFFICES OF ERIK BABCOCK

By: /s/Erik Babcock

Erik Babcock

Attorneys for EMILIO ZAMORA

DATED: October 15, 2014

THE LAW OFFICES OF PAUL M. WELLENKAMP

By: /s/Paul M. Wellenkamp

Paul M. Wellenkamp

Attorneys for CESAR ZAMORA

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DATED: October 15, 2014

BONJOUR, THORMAN, BARAY & BILLINGSLEY

By: /s/Michael Thorman

Michael Thorman

Attorneys for RICARDO ZAMORA

FILER'S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Charmaine G. Yu, attest that concurrence in the filing of this **STIPULATION AND [PROPOSED] ORDER ENLARGING TIME FOR DISCOVERY CONFERENCE AND INITIAL DISCLOSURES, AND INITIAL CASE MANAGEMENT CONFERENCE PURSUANT TO LOCAL RULE 6-2** has been obtained from each of the other signatories.

Executed this 15th of October, 2014, at San Francisco, California.

/s/Charmaine G. Yu

Charmaine G. Yu

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~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

DATED: October 20, 2014



Hon. Vince Chhabria
United States District Court Judge

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